



YOUTH COMMUNITY CORRECTIONS BUREAU STANDARD OPERATING PROCEDURES

Procedure No.: YCC 100-2	Subject: INTERVENTIONS – GRADUATED SANCTIONS
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Applicable ACA Standards: 2-7120, 2-7123, 2-7137, 2-7138, 2-7155, 2-7156, 2-7158, 2-7161, 2-7177, 2-7180, 2-7222, 3-JCRF-5B-10, 3-JCRF-3C-08, 3-JCRF-3C-16	Revision Date: 09-15-2004, 01-09-06, 11-06-06, 11-23-07, 01-06-09, 05-24-10
Signature: /s/ Karen Duncan	Effective Date: 12-31-02
Signature: /s/ Steve Gibson	

I. BUREAU DIRECTIVE:

The Youth Community Corrections (YCC) Bureau will establish procedures to ensure that an Intervention will be held when it is determined that a youth is not complying with the conditions of their parole agreement and that such non-compliance is not of sufficient merit to warrant a recommendation of parole revocation. Interventions shall not be used for youth whose behaviors pose a substantial risk to the community. This procedure will be reviewed annually and updated as needed.

II. DEFINITIONS:

Administrative Hearing – an informal hearing conducted for youth placed at the youth transition centers by a person not directly involved in the incident.

Detention - the holding or temporary placement of the youth in the youth's home under house arrest or in a facility other than the youth's own home for the purpose of ensuring the continued custody of the youth at any time after the youth is taken into custody.

Graduated Sanctions – various responses to youth parole violations that increase with severity of violation.

Hearings Officer - a Regional Administrative Officer or Juvenile Parole Officer II employed by Department of Corrections and who has not been directly involved in the case of the youth for whom the hearing is held.

Intervention - an informal meeting conducted by a department juvenile parole officer to address parole violations. The purpose of an intervention is to gain compliance through a contract/agreement.

Juvenile Detention Facility - a licensed detention facility authorized to detain youth for a specific period of time. Short-term facilities may detain a youth up to ten days, excluding weekends and holidays. A long-term facility may detain a youth up to and in excess of ten days.

Juvenile Parole Agreement - a document outlining conditions of parole and signed by a youth prior to release from a correctional facility or secure-care facility contracted with the State of Montana.

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On-Site Hearing - a formal parole hearing conducted by a Youth Community Corrections Hearings Officer to determine if a preponderance of evidence exists on parole violations to support a revocation to a state youth correctional facility.

III. PROCEDURES:

- A.** The Juvenile Parole Officer (JPO) may consult with the JPO II or Regional Administrative Officer (RAO) prior to an intervention. The JPO II or RAO may help determine if an Intervention may be acceptable in lieu of an On-Site Revocation Hearing.
- B.** Examples of offenses that may be appropriate for Interventions and subsequent graduated sanctions include, but are not limited to:
 - 1. status offenses;
 - 2. minor driving offenses;
 - 3. fish and game violations;
 - 4. minor misdemeanor offenses; and/or
 - 5. use of alcohol and drugs.
- C.** The Intervention will provide the youth written notice of non-compliance and the opportunity to address those issues with the Department without a revocation of the youth's parole status. It is intended to be used as an alternative, lesser sanction than a parole revocation while holding a youth accountable. Interventions shall be used to develop a strategy for achieving compliance of a Juvenile Parole Agreement.

D. STEPS:

RESPONSIBILITY:

1. ADMINISTRATIVE HEARINGS at YOUTH TRANSITION CENTERS (YTC)

- a. Administrative hearings will follow the process for Interventions except it will be heard by a person not directly involved in the incident. That person will write, sign, and date a report and submit to the youth and the YTC Director.
- b. Youth have the right to appeal administrative hearing decisions to the YTC

YTC staff not directly involved in the incident (CO II or Program Manager), JPO II, or RAO

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Director or designee within 15 days of receiving the decision. The YTC Director or designee will decide within 30 days of receiving the appeal and promptly provide written results to the youth.

2. **PRE-INTERVENTION REQUIREMENTS:**

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|----|---|-----|
| a. | Reviews youth's case with JPO II, RAO, or YCC Bureau Chief, if appropriate. | JPO |
| b. | JPO will notify parent(s), guardian(s), custodian(s), or their representative(s) of non-compliance issues and time, date and place of intervention. Parent(s), guardian(s), custodian(s) or their representative(s) will be notified in advance of a decision to institute a major change in the youth's supervision program to allow discussion or time to appeal except when a delay would affect the public safety or the safety of the youth. | JPO |

3. **INTERVENTION REQUIREMENTS:**

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| a. | Information relative to the alleged violations and case problems are verbally presented to the youth and guardians. | JPO |
| b. | Youth is afforded an opportunity to speak on own behalf. Parent(s), guardian(s), custodian(s) or their representative(s) are also given the opportunity to address their concerns. | JPO |
| c. | Youth may be requested to admit or deny alleged violations. | JPO |
| d. | At the conclusion of the intervention, will give oral decision of findings. | JPO |

4. **DISPOSITION:**

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| | If the youth admits to the allegation(s) or is found to be in violation of the parole agreement the following procedure is to be followed: | JPO |
| a. | "Graduated Sanctions" are to be considered | |

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in lieu of a formal On-Site Hearing.

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| b. | A contract/agreement is developed that lists all sanctions that are set forth by the Parole Officer. [Refer to YCC 100-2 (A)] | JPO |
| c. | The contract/agreement is signed by the youth, supervising JPO and parent(s), guardian(s), custodian(s) or their representative(s). (Copy provided to youth.) | JPO |
| d. | A copy of the Contract/Agreement is to be placed in the youth's file. | JPO |

5. **GRADUATED SANCTIONS:**

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| a. | Sanctions for Consideration | JPO or YTC staff |
| i. | Verbal warning | |
| ii. | Work with youth on Pathways of Learning and Change Chart [YCC 100-2 (B)] | |
| iii. | Contracting for treatment (inpatient, outpatient, or intensive outpatient). May include AA/NA meeting and sponsors | |
| iv. | Assignment of a different supervising officer | |
| v. | Override to an increased level of supervision | |
| vi. | Electronic Monitored Curfew (obtain approval from Youth Community Corrections Bureau Chief) | |
| vii. | Assessment Center Placement | |
| viii. | Transition Center Placement | |
| ix. | Community Service | |
| x. | Curfew | |
| xi. | Restitution | |
| xii. | Group Home/Shelter Home Placement | |
| xiii. | Job Search | |
| xiv. | Educational Requirement | |
| xv. | Employment Requirement | |
| xvi. | Counseling Requirement | |

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- xvii. Facility Restriction for youth at YTC (if it exceeds 48 hours, an administrative hearing must be conducted – refer to IV.A.)
- b. In cases where the graduated sanction to be implemented involves an out-of-home placement, an Intervention Agreement shall be signed by the youth and their parent(s), guardian(s), custodian(s), or their representative(s). If the parent(s), guardian(s), custodian(s), or their representative(s) is not available to sign the Intervention Agreement, they shall be notified in accordance with [YCC 60-1 \(H\), Sample Letter of Written Notice to Parents.](#)
 - c. Chemical Dependency Sanctions for consideration:
Due to the prevalence of alcohol and drug use among these youth, the following sanctions are suggested for officers' consideration.
 - i. First positive UA – an intervention, which includes the youth, guardian, parole officer, chemical dependency counselor or other appropriate treatment provider to determine appropriate sanctions and treatment needs.
 - ii. Second positive UA - further investigation into the youth's behavior, and an intervention that involves the youth's treatment team. Determine if a more restrictive level of treatment is required, including consideration of an out-of-home placement.
 - iii. Third positive UA - consider on-site revocation hearing, which may include a determination of inpatient treatment.

JPO

JPO

JPO and Hearings Officer

IV. CLOSING:

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Questions concerning this procedure shall be addressed to the Youth Community Corrections Bureau Chief.

V. AUTHORITY:

<u>52-5-126, MCA</u>	<u>Youth Parole Agreement</u>
<u>52-5-127, MCA</u>	<u>Control Over Youth Released Under Parole Agreement</u>
<u>52-5-128, MCA</u>	<u>Detention of Youth Who Violates Parole Agreement</u>
<u>52-5-129, MCA</u>	<u>Hearing on Alleged Violation of Parole Agreement -- Waiver of Hearing -- Right to Appeal Outcome</u>
<u>YCC 4.7.4</u>	<u>Violation of Juvenile Parole Agreement</u>

VI. ATTACHMENTS:

[YCC 100-2 \(A\) Intervention Agreement](#)
[YCC 100-2 \(B\) Pathways of Learning and Change Chart](#)